



# NEWS

Judicial Council of California  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF NOVEMBER 18, 2002**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-186 Southern California Edison Company v. Lynch, S110662. (9th Cir. Nos. 01-56879, 01-56993, 01-57020; 307 F.3d 794.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to certified questions of state law pursuant to rule 29.5 of the California Rules of Court. As restated by the court, the certified questions are: “(1) Did the Commissioners of the California Public Utilities Commission have the authority to propose the stipulated judgment in light of the provisions of Assembly Bill No. 1890 (Act of Sept. 23, 1996, 1996 Cal. Legis. Serv. 854, codified in Cal. Pub. Util. Code §§ 330-398.5)? (2) Do the procedures employed in entering the stipulated judgment violate the Bagley-Keene Open Meeting Act, Cal. Gov’t Code §§ 11120-11132.5? (3) Does the stipulated judgment violate § 454 of the Public Utilities Code by altering utility rates without a public hearing and the issuance of findings?”

#02-187 In re David F., S110651. (F039230; unpublished opinion.) Petition for review after the Court of Appeal remanded in part and otherwise affirmed orders in a wardship proceeding. The court ordered briefing deferred pending decision in Robert L. v. Superior Court, S100359 (#01-144), which presents the following issue: Does Penal Code section 186.22, subdivision (d), as amended by the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)), apply to any

(over)

misdemeanor and any felony committed for the benefit of a criminal street gang, or only to those crimes expressly punishable either as a felony or as a misdemeanor?

#02-188 People v. Trotter, S110380. (B149459; 101 Cal.App.4th 1256.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Hernandez, S105271 (#02-85), which presents the following issues: (1) Did the trial court err in discharging a juror during trial? (2) If so, was the error prejudicial? (3) If so, is retrial barred by the double jeopardy provisions of the federal and state Constitutions?

### **DISPOSITIONS**

The following cases were dismissed and remanded to the Court of Appeal:

#01-59 Sites v. Superior Court, S095743.

#02-19 In re Tobacco Cases II, S102633.

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